

SHAMEEM JOHNSON
REG. NO. 19138-057
HAZELTON F.C.I.
P.O. Box 5000
BRUCETON MILLS, WV 26525



IN THE
UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

UNITED STATES OF AMERICA,
PLAINTIFF-RESPONDENT,

v.

SHAMEEM JOHNSON,
DEFENDANT-MOVANT.

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CASE No. 97-CR-314

JOHNSON MOVES FOR THE COURT
TO TAKE JUDICIAL NOTICE

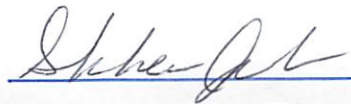
SHAMEEM JOHNSON ("JOHNSON"), ACTING WITHOUT COUNSEL, HEREBY
REQUEST THE COURT TO TAKE JUDICIAL NOTICE OF THE FOLLOWING FACTS:

JOHNSON'S REPLY WAS PREDICATED ON A COPY OF THE GOVERNMENT'S
RESPONSE THAT WAS RECEIVED VIA EMAIL. ON FRIDAY, SEPTEMBER 15,
2023, HOWEVER, JOHNSON RECEIVED THE GOVERNMENT'S PAPER OPPOSITION,
FILED SEPTEMBER 8, 2023, BUT POST-MARKED SEPTEMBER 11, 2023. IN
ITS OPPOSITION — WHICH WAS NOT RECEIVED VIA EMAIL — PAGE 10, ARGUES
THE FIRST STEP ACT EXCLUDES "SECTION 924(C)" "RELATING TO UNLAWFUL
POSSESSION OR USE OF A FIREARM." BUT, JOHNSON IS SPECIFICALLY
CHARGED WITH "CARRY" NOT "POSSESSION" — WHICH IS ONE OFFENSE —
OR "USE" — WHICH IS THE OTHER SEPARATE CRIME. THE LATTER STATES
"USE OR CARRY" AND CONGRESS EXPRESSLY LEFT OUT THE "CARRY"

PORTION IN § 924(c) REGARDING INELIGIBLE PRISONERS. THE SUPREME COURT HAS OBSERVED: THE EXPRESSION OF ONE THING IMPLIES THE EXCLUSION OF OTHERS. SEE JENNINGS V. RODRIGUEZ, 583 U.S. — (2018) (SLIP OP., AT 16) (QUOTING A. SCALIA & B. GARNER, READING LAW: THE INTERPRETATION OF LEGAL TEXTS 107 (2012))).

IN OTHER WORDS, SINCE CONGRESS DELIBERATELY EXCLUDED CARRYING A FIREARM FROM ITS INELIGIBLE LIST IN THE FIRST STEP ACT THE GOVERNMENT'S IN OPPOSITION IS LEGAL INCORRECT AND JOHNSON SHOULD NOT HAVE BEEN CAPTURED BY THE "INELIGIBLE PRISONERS" SECTION OF THE FIRST STEP ACT. THEREFORE, THIS UNIQUE FACT WAS UNADDRESSED BY THE GOVERNMENT.

FILED SEPT. 17, 2023


SHAHEEN JOHNSON

* Count 16 is the count in contention because that's the only count I'm doing time on. And count 16 only says carry not use or possession.

S.J.